

AMENDED IN ASSEMBLY JUNE 15, 2016

AMENDED IN SENATE MAY 3, 2016

AMENDED IN SENATE APRIL 13, 2016

SENATE BILL

No. 1007

Introduced by Senator Wieckowski

February 10, 2016

An act to add Section 1282.5 to the Code of Civil Procedure, relating to arbitration.

LEGISLATIVE COUNSEL'S DIGEST

SB 1007, as amended, Wieckowski. Arbitration: transcription by certified shorthand reporter.

Existing law establishes standards for arbitration, and requires a court to vacate an arbitration award if it makes certain findings.

This bill would provide that a party to an arbitration has the right to have a certified shorthand reporter transcribe any deposition, proceeding, or hearing as the official record. The bill would require a party requesting a certified shorthand reporter to make his or her request ~~upon the initiation of the arbitration in a demand, response, answer, or counterclaim related to the arbitration, or at the time that any a pre-hearing scheduling conference at which a deposition, proceeding, or hearing is being calendared, and calendared.~~ The bill would also require the party requesting the transcript to incur the expense of the certified shorthand reporter, except as specified in a consumer arbitration. The bill would authorize a party whose request has been refused by the arbitrator to petition the court for an order to compel the arbitrator to grant the party's request to have a certified shorthand reporter transcribe any deposition, proceeding, or hearing, *and for an*

order to stay any deposition, proceeding, or hearing pending the court's determination of the petition.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1282.5 is added to the Code of Civil
2 Procedure, to read:

3 1282.5. (a) (1) A party to an arbitration has the right to have
4 a certified shorthand reporter transcribe any deposition, proceeding,
5 or hearing. The transcript shall be the official record of the
6 deposition, proceeding, or hearing.

7 (2) A party requesting a certified shorthand reporter shall make
8 his or her request ~~upon the initiation of the arbitration or at the~~
9 ~~time that any deposition, proceeding, or hearing is being~~
10 ~~calendared. in or at either of the following:~~

11 (A) A demand for arbitration, or a response, answer, or
12 counterclaim to a demand for arbitration.

13 (B) A pre-hearing scheduling conference at which a deposition,
14 proceeding, or hearing is being calendared.

15 (b) If an arbitration agreement does not provide for a certified
16 shorthand reporter, the party requesting the transcript shall incur
17 the expense of the certified shorthand reporter. However, in a
18 consumer arbitration, a certified shorthand reporter shall be
19 provided upon request of an indigent consumer, as defined in
20 Section 1284.3, at the expense of the nonconsumer party.

21 (c) If an arbitrator refuses to allow a party to have a certified
22 shorthand reporter transcribe any deposition, proceeding, or hearing
23 pursuant to this section, the party may petition the court for an
24 order to compel the arbitrator to grant the party's request. *The*
25 *petition may include a request for an order to stay any deposition,*
26 *proceeding, or hearing related to the arbitration pending the*
27 *court's determination of the petition.*

28 (d) *This section does not add grounds for vacating an arbitration*
29 *award pursuant to subdivision (a) of Section 1286.2 or for*
30 *correcting an arbitration award pursuant to Section 1286.6.*